

PENSHURST (DMR) SALE ORDINANCE 1985

NO. 44 , 1985

AN ORDINANCE to authorise the sale of certain lands at Penshurst and to provide for the application of the proceeds of sale and provide for consolidation of the remaining land.

WHEREAS:

A. Church of England Property Trust Diocese of Sydney (now known as Anglican Church Property Trust Diocese of Sydney) (hereinafter called "the corporate trustee") is registered as proprietor of the land described in the First Schedule.

B. Keith Alroy Ball of Penshurst Accountant, Benjamin Austin of Penshurst Water Board Officer and Albert Knight of Hurstville Retired are registered proprietors in fee simple as joint tenants of the land described in the Second Schedule.

C. Keith Alroy Ball of Penshurst Clerk, Benjamin George Austin of Penshurst Driver and Albert George Knight of Hurstville Clerk are registered as proprietors in fee simple as joint tenants of the land described in the Third Schedule.

D. Church of England Property Trust Diocese of Sydney (now known as Anglican Church Property Trust Diocese of Sydney) (hereinafter called "the corporate Trustee") is registered as proprietor of the land described in the Fourth Schedule.

E. Albert George Knight died on 6th October 1967 and Keith Alroy Ball died on 25th April 1970.

F. The lands described in the First, Second, Third and Fourth Schedules are church trust property but no trusts have been declared in writing.

G. Benjamin (George) Austin the surviving joint tenant of the lands described in the Second and Third Schedules has consented in writing to the lands so described being vested in the corporate trustee.

H. By reason of circumstances which have arisen subsequent to the creation of the trusts on which the lands are held it is inexpedient to carry out and observe the same in respect to part thereof and it is expedient that part of the lands be sold.

NOW the Standing Committee of the Synod of the Diocese of Sydney in the name and place of the said Synod HEREBY ORDAINS DECLARES DIRECTS AND RULES as follows:

1. In addition to the consent hereinbefore recited and for more abundant caution to satisfy the requirements of Section 19 of the

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Anglican Church Trust Property Act 1917 consent is hereby given to the lands described in the Second and Third Schedules vesting in Anglican Church Property Trust Diocese of Sydney.

2. By reason of circumstances which have arisen subsequent to the creation of the trusts upon which the lands described in the First, Second and Third Schedules are held it is inexpedient to carry out and observe the same as to part thereof and it is expedient that such part be sold.

3. The corporate trustee is hereby authorised and empowered to sell freed from all trusts the lands described in the Fifth Schedule to the Commissioner for Main Roads for the purpose of road widening within three years after the date of assent to this Ordinance and thereafter only with the consent of the Standing Committee at such time and at such price and upon such terms and conditions as it may determine.

4. The corporate trustee is hereby empowered to do all things necessary to consolidate the titles of the lands remaining in the First Second and Third Schedules after the sale with the land described in the Fourth Schedule.

5. The proceeds arising from the sale shall be applied as follows:

- (a) First to pay all outgoings to which the lands may be subject and the costs of and incidental to the sale and title consolidation authorised by this Ordinance.
- (b) Secondly for demolition of the Church Hall, site clearance and construction of a substitute hall adjacent to the existing church and construction of a car park for parish purposes and such other capital works as may be necessary for quiet enjoyment as a consequence of the road widening.
- (c) Thirdly any balance for such purposes within or without or partially within and partially without the Parish of Penhurst as the Standing Committee at the written request of a majority of the parish council may by resolution from time to time determine provided that in default of agreement either party may refer the question of the application to the Synod for determination.

Pending such application as aforesaid the proceeds shall be invested and the interest capitalised.

6. This ordinance may be cited as "Penhurst (DMR) Sale Ordinance 1985".

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FIRST SCHEDULE

ALL THAT land situate at Penshurst being Lot 3 and Part of Lot 1 and Part of Lot 2 of Section 1 in Deposited Plan 1507 being the whole of the land in Certificate of Title Volume 4605 Folio 248.

SECOND SCHEDULE

ALL THAT land situate at Penshurst, being Lot 4 of Section 1 in the Deposited Plan 1507 being the whole of the land in Certificate of Title Volume 1039 Folio 229.

THIRD SCHEDULE

ALL THAT land situate at Penshurst being Lot 5 of Section 1 in Deposited Plan 1507 being the whole of the land in Certificate of Title Volume 6615 Folio 232.

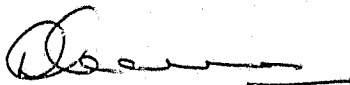
FOURTH SCHEDULE

ALL THAT land situate at Penshurst being Lot 6 of Section 1 in Deposited Plan 1507 being the whole of the land in Certificate of Title Volume 2348 Folio 170.

FIFTH SCHEDULE

ALL THAT land situate at Penshurst being Lots 31, 32, 33, 34 and 35 in D.P. 713974 being part of the lands described in the First Second and Third Schedules hereto respectively.

I CERTIFY that the Ordinance as printed is in accordance with the Ordinance as reported.



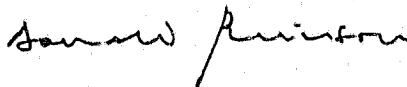
Chairman of Committees

I CERTIFY that this Ordinance was passed by the Standing Committee of the Synod of the Diocese of Sydney on the ^{27th} day of ^{November} 1985.



Secretary

I ASSENT to this Ordinance



Archbishop of Sydney
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